

## REMARKS

Claims 1, 3-5, 7-24, 27-28 and 30 were presented and examined. In response to the Office Action, no claims are amended, no claims are cancelled and no claims are added. Applicants respectfully request reconsideration in view of the amendments and the following remarks.

### **I. Claims Rejected Under 35 U.S.C. §103**

**Claims 1, 3-5, 7-10, 22-24, and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,643,663 issued to Dabney et al. ("Dabney") in view of U.S. Patent No. 6,457,045 issued to Hanson et al. ("Hanson"), in view of U.S. Patent No. 6,052,600 issued to Fette et al. ("Fette"), further in view of U.S. Patent No. 5,867,799 issued to Lang et al. ("Lang"), U.S. Patent 6,088,702 to Plantz et al. ("Plantz"), and U.S. Patent No. 6,437,818 to Ludwig ("Ludwig"). We respectfully traverse these rejections.

Claim 1 recites:

A computerized method for creating a story by multiple collaborators being on-line users supplying content associated with a fictional story concept comprising:

receiving the **fictional story concept** for the story, the fictional story concept including an **indication** of one or more **editors** that are **selected** to edit the story by an **originator** of the **fictional story concept**;

determining whether the **fictional story concept** includes content that meets a predetermined **criteria set by a party separate** from the **multiple collaborators** and **deleting** the fictional story concept if the concept fails to meet the predetermined criteria;

making the **fictional story concept** available for **online** access to enable the **multiple collaborators** to submit **competing story content related to elements** in the **fictional story concept**;

accepting the received competing story content associated with the fictional story concept from the multiple collaborators if the received competing story content meets the predetermined criteria;

determining **selected story content** from the accepted competing story content submitted from each of the multiple collaborators that is **approved** for **inclusion** in the story based on **votes received online** through a wide area network connection

from the one or more **editors** and at least **one** of the **multiple collaborators**;

creating the story from the selected story content that is approved; and

deleting the accepted competing story content if the received votes have failed to approve the content. (Emphasis added.)

While Applicant's argument here is directed to the cited combination of references, it is necessary to first consider their individual teachings, in order to ascertain what combination (if any) could be made from them.

Regarding Claim 1, Claim 1 recites the following claim feature which is neither taught nor suggested by the prior art:

...receiving the **fictional story concept** for the story, the fictional story concept including an **indication** of one or more **editors** that are **selected to edit** the story by an **originator** of the **fictional story concept**...

According to the Examiner, the above-recited feature of Claim 1 is disclosed at Col. 5, lines 60-65 of Dabney. (See page 7, paragraph 3 of the Office Action mailed March 9, 2009.) Applicants respectfully disagree with the Examiner's assertions and characterizations of Dabney. We submit that neither Col. 5, lines 60-65, nor any other portion of Dabney discloses or suggests "...receiving the **fictional story concept** for the story, the fictional story concept including an **indication** of one or more **editors** that are **selected to edit** the story **by an originator** of the fictional story concept..." as in Claim 1.

In contrast with Claim 1, Dabney is directed to handling news stories provided by news reporters and/or journalists for publication in a newspaper or other traditional media source; specifically, news story data such as photographs, video, audio, and text are captured and prepared for newspaper, radio, and television by human editors. (See col. 5, lines 63-65.) Assuming, arguendo, that news story data discloses receiving a story concept, as suggested by the Examiner, the news story concept, as evidenced by the new story data, relates to a non-fictional story concept. Apposite to non-fictional new story data of Dabney, Claim 1 is amended to recite the receipt of a fictional story concept. (See page 7, line 19 to page 8, line 1 for support of the non-fictional story concept.) Moreover, such news story data does not include an

indication of one or more editors that are selected to edit the story by an originator of the story concept, as in Claim 1. We submit that the reporters of Dabney do not select the editor for a story and that the news story is related to a non-fictional story concept, as in Claim 1. The other cited references fail to rectify this deficiency.

Hence, we submit that the combination of Dabney in view of Hanson in view of Fette in view of Lang and further in view of Plantz and further in view of Ludwig does not disclose or suggest the receipt of a fictional story concept for a story, the fictional story concept including an indication of one or more editors that are selected to edit the story by an originator of the story concept, as in Claim 1.

Furthermore, Claim 1 recites the following claim feature which is not taught by the combination of references referred to by the Examiner:

making the story **concept available** for online access to enable the **multiple collaborators** to submit **competing story content related to elements** in the fictional **story concept**;

**accepting** received **competing story content** associated with the fictional story concept from the multiple collaborators if the **received competing story content meets the predetermined criteria** ... .

The disclosure of Dabney is expressly limited to news editor approval for completion of a news story and storage of such news story on content servers for newscasts and media distribution. The news story data is available for news media to incorporate the edited news story data into their broadcast and/or publication, distribution, as well as availability for internet news sources. (See col. 6, lines 3-12.) Furthermore, we submit that Dabney fails to disclose or suggest making a fictional story concept available for online access to enable the multiple collaborators to submit competing story content related to elements in the story concept, much less accepting received competing story content associated with the story concept from the multiple collaborators if the competing story content meets the predetermined criteria, as in Claim 1. We submit that the various reporters that cover a story do not compete for which of their content will be selected for the various elements of the story concept, as in Claim 1; such coverage is generally pre-assigned.

Furthermore, Claim 1 recites “determining selected story content from the accepted competing story content submitted by each of the multiple collaborators that is approved for inclusion in the story based on votes received online through a wide area network connection from the one or more editors and at least one of the multiple collaborators,” as in Claim 1.

We submit that Dabney teaches away from allowing the reporters that capture the news story content, such as the at least on multiple collaborators of Claim 1, to decide whether the story content is accepted for inclusion in the news story. We submit that the express limitation of accepting content for news stories, based solely on editor’s decision, prohibits the Examiner from illustrating that Dabney discloses content approval based on votes received from one or more editors and at least one of the multiple collaborators, as in Claim 1.

Moreover, Claim 1 recites deleting the accepted content if the received votes have failed to approve the content. Applicants agree with the Examiner that Dabney and Hanson fail to teach this limitation. However, Applicants respectfully disagree that either Fette or Lang provide such teaching. In contrast with Claim 1, Fette is directed to removal of unapproved information based on user approval. Lang teaches a filtering mechanism based on community standards, but such decision is not based on the one or more editors and at least one of the multiple collaborators (i.e., the providers of the content) as in Claim 1. Plantz does not rectify this deficiency.

Regarding the Examiner’s citing of Ludwig, Ludwig generally relates to a video collaboration system and method utilizing a control communications link and an unshielded twisted-pair wire network among a plurality of video sources and display devices (see Abstract). According to the Examiner, Ludwig teaches collaborators submitting competing story content related to elements in a story concept and selected story content from the competing story content submitted from each of the multiple collaborators, which according to the Examiner is disclosed by Ludwig at Col. 36, line 45 to Col. 37, line 30. The passages referred to by the Examiner, however, relate to the sharing of a graphical image between an expert and a field representative. As further described by Ludwig, the expert illustrates his advice by creating and sharing a new graphical image. This image may be annotated by the field representative.

We submit that neither Col. 36, line 45 - Col. 37, line 30, nor any other portion of Ludwig, discloses or suggests making a fictional story concept available for online access to enable the multiple collaborators to submit competing story content related to elements in the fictional story concept, much less accepting received competing story content associated with the story concept from the multiple collaborators if the received competing story content meets the predetermined criteria, as in Claim 1. We submit that the sharing of a graphic image of a client's portfolio holdings as well as the creating of a new graphical image based on expert advice, and annotation of such new graphical image, is something different from making a fictional story concept available for online access to enable the multiple collaborators to submit competing story content related to elements in the story concept, as in Claim 1.

Furthermore, any new graphical image that is submitted by the expert is not competing story content but merely overrides anything provided by the field representative, and may be annotated by the field representative (see *supra* Ludwig). Hence, the Examiner has failed to identify, and we are unable to discern, any portion of Ludwig that teaches or suggests making a fictional story concept available for online access to enable the multiple collaborators to submit competing story content related to elements in the story concept, much less accepting received competing story content associated with the fictional story concept from the multiple collaborators if the received competing story content meets the predetermined criteria, as in Claim 1. Moreover, Ludwig fails to disclose or suggest any notion of selecting story content, since any image provided by the expert will override the graphical images from the field representative.

We submit that no combination of Dabney in view of Hanson in view of Fette in view of Lang and Plantz and further in view of Ludwig could teach or suggest receipt of a fictional story concept for a story including an indication of one or more editors that are selected to edit the story by an originator of the fictional story concept, much less making the fictional story concept available for online access to enable multiple collaborators to submit competing story content related to elements in the fictional story concept if the received competing story content meets the predetermined criteria, as in Claim 1; nor does this combination teach or suggest the selection of accepted story content that is approved for inclusion in the story based on votes received

online through a wide area network connection from the one or more editors and at least one of the multiple collaborators, as in Claim 1.

For at least the above reasons, the Office Action fails to make clear a case of obviousness of Claim 1. The above argument is made in good faith, focusing on the explanation given at pages 7-10 of the Office action and comparing that to the claim language. It is not Applicants' intention to secure unduly broad claims but rather to find the right language that describes the invention in the broadest possible manner relative to the prior art.

As explained above, Applicants' claim language has meaning, which appears to have been ignored by the Examiner. According to the Examiner, only publishing includes publishing of a fictional story. Dabney, however, is expressly limited to news stories which are based on video footage and eyewitness accounts. It cannot be said that video footage and eyewitness news accounts relate to fictional story concepts, as in Claim 1. We submit that Dabney simply does not teach or suggest "...receiving the **fictional story concept** for the story, the fictional story concept including an **indication** of one or more **editors** that are **selected** to edit the story by an **originator** of the fictional story concept..." as in Claim 1.

Hence, the prior art combination of Dabney, Hanson, Fette and Lang fail to teach or suggest each of the above recited features of amended Claim 1, as required to establish a *prima facie* case of obviousness. For each of the above reasons, therefore, Claim 1 and all claims which depend from Claim 1 are patentable over the prior art combination of Dabney in view of Hanson in view of Fette in view of Lang and further in view of Plantz. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the §103 rejection of Claims 1, 3-6, 9 and 10.

Each of Applicant's other independent claims, including Claims 22 and 28 recite limitations similar to those highlighted above with reference to Claim 1. Therefore, all of Applicants' other independent claims, including Claims 22 and 28, and all claims which depend from them, are also patentable over the cited prior art for similar reasons. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the §103 rejection of Claims 22-24 and 28.

**Claims 14-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dabney in view of Hanson, further in view of Fette, further in view of Lang, further in view of Ludwig. We respectfully traverse this rejection.

Claim 14 recites:

A computer-readable storage medium having computer-executable instructions to cause a server computer to perform a method comprising:

receiving a **fictional concept for a story**, the fictional story concept **including an indication** of one or more **editors** that are **selected** to edit the story **by an originator** of the **fictional story concept**;

determining whether the **fictional story concept** includes content that meets a predetermined criteria set by a **party separate** from multiple **collaborators** being on-line users supplying the content associated with the fictional concept of the story and deleting the **fictional story concept** if the content of the fictional story concept fails to meet the predetermined criteria;

if the content of the **fictional story concept** is acceptable, making the fictional story concept available for online access to enable the multiple collaborators to submit the **competing story content** related to an **element in the fictional story concept** from two of the multiple collaborators coupled to the server computer;

accepting the received competing story content associated with the fictional story concept from the multiple collaborators if the received competing story content meets the predetermined criteria;

receiving **votes online** through a wide area network connection from the one or more **editors**, at least one of the multiple **collaborators**, and the **originator** of the fictional story concept to **select** between the **accepted competing story content**;

including the selected story content in the story if the received votes indicate that the content is approved; and

deleting the accepted competing story content if the received votes fail to indicate that the competing story content is approved. (Emphasis added.)

Regarding Claim 14, Claim 14 recites features similar to those highlighted above with regard to Claim 1. Namely, Claim 14 recites making a fictional story concept available for online access to enable the multiple collaborators to submit competing story content and accepting received competing story content associated with the fictional story concept from the multiple collaborators if the received competing story content meets the predetermined criteria,

as in Claim 1. Apposite to non-fictional new story data of Dabney, Claim 14 is amended to recite the receipt of a fictional story concept. (See page 7, line 19 to page 8, line 1 for support of the non-fictional story concept.) Furthermore, Claim 14 recites including selected content that is accepted between competing story content according to votes received online from the one or more editors, at least one of the multiple collaborators, and the originator of the story concept. This feature of Claim 14 is not disclosed by the combination of Dabney in view of Hanson in view of Fette in view of Lang in view of Plantz in view of Ludwig and further in view of Mullins.

For each of the above reasons, therefore, Claim 14 and all claims which depend from Claim 14 are patentable over the prior art combination of Dabney in view of Hanson in view of Fette in view of Lang in view of Plantz in view of Ludwig and further in view of Mullins. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the §103 rejection of Claims 14-18 and 19-21.

**Claims 19-21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dabney in view of Hanson in view of Fette, further in view of Lang and Plantz, further in view of Ludwig, further in view of U.S. Patent 5,100,154 to Mullins (“Mullins”). In addition, **Claims 11-13, 27 and 30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dabney in view of Hanson in view of Fette, further in view of Lang and Plantz, further in view of Ludwig, and further in view of Mullins. Applicants respectfully traverse the rejections.

The Examiner’s citing of Mullins fails to rectify the deficiency of Dabney, Hanson, Fette, Lang, Plantz, and Ludwig to teach or suggest “...receiving the fictional story concept for the story, the fictional story concept including an indication of one or more editors that are selected to edit the story by an originator of the fictional story concept...” as in Claim 1, 14, 22 and 28. Claims 11-13 and 19 depend from Claims 1 and 14, respectively, and are therefore patentable over the cited art for reasons similar to those given above with regard to Claims 1 and 14. Similarly, Claims 27 and 30, which depend from independent claims 22 and 28, respectively, are also novel over the cited art for similar reasons. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the §103 rejection of Claims 19-21, 27, and 30.



### DEPENDENT CLAIMS

In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Therefore, Applicant's silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim.

### CONCLUSION

In view of the foregoing, it is believed that all claims now pending (1) are in proper form, (2) are neither obvious nor anticipated by the relied upon art of record, and (3) are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207-3800.

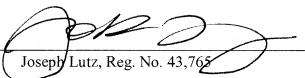
If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

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### **CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being submitted electronically via EFS Web to the United States Patent and Trademark Office on November 30, 2009.

  
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